IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.1 OF 2007

Shri Badrinarayan Shankarlal Bhandari & Ors. ...Petitioners

Versus

Vikas S.Kulkarni & Ors. ...Respondents

.....

Mr.Girish S.Godbole for Petitioners.

None for Respondents.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 8, 2007.

P.C.

1. Heard Mr.Godbole for Petitioners. The grievance made in this Petition though seems to be attractive, does not warrant any interference on two counts. Firstly, there is nothing on record to show that after the order passed by the District Court, the subordinate Court proceeded to pass order on merits of the case. The allegation in the Petition is that although the copy of the order was brought to the notice of the concerned Judge, it continued with the hearing of the case. Assuming

that the allegation is correct, since the subordinate Judge did not pass any final order on the merits one way or the other, there is no occasion for proceeding against Judge for having committed contempt of Court. Besides, it is possible to suggest that since there was no express order of stay of further proceedings passed by the District Court, the subordinate Judge may have entertained arguments advanced across the bar by the Counsel appearing for the parties.

2. In any case, now that the proceedings pending before the concerned Judge stand transferred, the basis for the apprehension entertained by the Petitioners of some adverse order being passed against them does not subsists any more. On the above grounds, I see no reason to exercise contempt jurisdiction. Petition disposed of.

A.M.KHANWILKAR, J.